

# China Human Rights and Rule of Law Update

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## United States Congressional-Executive Commission on China

Senator Chuck Hagel, Chairman | Representative Jim Leach, Co-Chairman

### Announcements

#### **Roundtable: China's Response to Avian Flu**

The Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables, entitled [China's Response to Avian Flu: Steps Taken, Challenges Remaining](#), on Friday, February 24, 2006, from 2:00 to 3:30 PM in Room 2200 of the Rayburn House Office Building. The panelists were Dr. John R. Clifford, Deputy Administrator for the Animal and Plant Health Inspection Services' Veterinary Services program, U.S. Department of Agriculture; Ms. Erika Elvander, Office of Asia and the Pacific, Office of Global Health Affairs, U.S. Department of Health and Human Services; and Dr. Bates Gill, Freeman Chair in China Studies, Center for Strategic and International Studies. Their statements are available on the CECC Web site: [www.cecc.gov/pages/roundtables/2006/20060224/index.php](http://www.cecc.gov/pages/roundtables/2006/20060224/index.php)

#### **Translation: Court Judgment in the "New Youth Study Group" Subversion Trial**

The Congressional-Executive Commission on China has prepared a translation of the [Beijing Intermediate Court Judgment in the Xu Wei, Yang Zili, Jin Haike, and Zhang Honghai Subversion Trial](#). Xu Wei and Jin Haike will become eligible for parole on March 12. Yang Zili and Zhang Honghai, two other prisoners sentenced for their participation in the group, became eligible for parole on March 12 of last year. For more on this case, see "New Youth Study Group Members To Become Eligible For Parole" below.

#### **Translation: SPC Circular on Court Hearings in Second Instance Death Penalty Cases**

The Congressional-Executive Commission on China has prepared a translation of the [Supreme People's Court Circular Regarding Further Improving Open Court Session Work in Second Instance Death Penalty Cases](#). For more information on this circular, see "Provincial High Courts Implement SPC Circular on Death Penalty Hearings" below.

### Update on Rights and Law in China

[Human Rights Updates](#)   [Rule of Law Updates](#)   [All Updates](#)

#### **Dalai Lama's Envoys Arrive in China for Fifth Round of Talks**

The Tibetan government-in-exile announced in a press release on February 15 that the Dalai Lama's envoys, Lodi Gyaltsen Gyari and Kelsang Gyaltsen, arrived in China the same day for the fifth round of talks with Chinese officials on the Tibetan issue. They were accompanied by senior aides. The press release provided no information about the envoys' itinerary or the planned duration of the visit. Lodi Gyari, the Dalai Lama's Special Envoy, customarily makes a detailed public statement only after the envoys have departed from China and briefed the Dalai Lama in person.

Previous rounds of talks took place in [September 2002](#), [May-June 2003](#), [September 2004](#), and [June-July 2005](#). All of the talks took place in China except the 2005 round, which were in Bern, Switzerland. According to a February 10 [article](#) in the Times of India, the Dalai Lama advocated autonomy under China's constitutional framework and said that talks with Chinese authorities were heading in the right direction.

See Section VI - "Tibet," [The Status of Discussion Between China and the Dalai Lama](#), of the [CECC 2005 Annual Report](#) for more information.

#### **Imprisoned Protestant House Church Leader Up for Parole on March 11, 2006**

Cai Zhuohua, a Protestant house church leader, will be eligible for parole on March 11, 2006, after having served half of his three-year prison sentence. On November 8, 2005, the Beijing Haidian District People's Court [convicted](#) Cai Zhuohua under Article 225 of China's [Criminal Law](#). According to its November 8 [opinion](#), the court found Cai and his family members guilty of causing disruption by printing and giving away books without a government permit. The court sentenced Cai, Xiao Yunfei, his wife, and Xiao Gaowen, his brother-in-law, to three years, two years, and one and a half years imprisonment, respectively, and fined them 150,000, 120,000, and 100,000 yuan (approximately \$20,000, \$15,000, and \$10,000), respectively.

Public security officials detained Cai on September 11, 2004 and seized 233,776 editions of 51 different religious titles in a Beijing storeroom that Cai used. Officials accused Cai, his wife Xiao Yunfei, her brother Xiao Gaowen, and his wife Hu Jinyun

of illegally printing Bibles and other Christian literature without government permission. In an August 2005 [report](#), a religious freedom NGO in Norway [noted](#) that Cai's case "highlights the severe restrictions Christian publishing is forced to operate within in China." The Beijing Haidian District People's Procuratorate formally arrested Cai in October 2004 and indicted him in December 2004. His trial was held on July 7, 2005, and he decided not to appeal the conviction, allegedly due to threats by court officials. He is being held at the Qinghe Public Security Bureau Detention Center in the Haidian district of Beijing.

Under Article 81 of China's Criminal Law officials have discretion to grant parole to a prisoner after he has served half of a fixed-term imprisonment sentence. A prisoner has a strong case for parole if he has observed prison regulations, accepted education and reform through labor, showed repentance, and will no longer cause harm to society. Under Article 44 of the Criminal Law, this term is calculated from the date of detention if the prisoner has been held in detention before the court judgment takes effect. As a result, Cai becomes eligible for parole on March 11, 2006 and Xiao Yunfei became eligible for parole on September 27, 2005. Xiao Gaowen's sentence will expire on March 26, 2006. On January 1, Beijing put into effect [six prohibitions restraining prison police abuses](#), as well as "Temporary Provisions on Investigating Responsibility for Mistakes in Law Enforcement by People's Prison Police" (Beijing Provisions). According to a December 15, 2005 Beijing Daily [article](#) (via Xinhua, in Chinese), the Beijing Provisions subject Beijing prison police to either warnings or dismissal, depending on the degree of the violation, for intentionally failing to declare a sentence reduction or parole for inmates who meet the criteria.

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### **New Youth Study Group Members To Become Eligible for Parole**

Xu Wei and Jin Haike will become eligible for parole on March 13, after having served half of their prison terms. Xu and Jin were sentenced to 10-year prison terms for participating in occasional meetings of the New Youth Study Group, a discussion group of young intellectuals, and for disseminating articles over the Internet. Yang Zili and Zhang Honghai, two other prisoners sentenced for their participation in the group, became eligible for parole on March 13, 2005.

The New Youth Study Group met at several Beijing universities, but had no source of funding, never agreed on a common political platform, and after their first meeting never held another with all members present, according to a April 23, 2004, Washington Post [article](#).

On May 28, 2003, the Beijing No. 1 Intermediate People's Court sentenced Xu Wei, a reporter and editor, and Jin Haike, a geophysicist, to 10 years imprisonment for their participation in the discussion group, according to the court's criminal [judgment](#), the Dui Hua Foundation, and a June 3, 2003, Reporters Without Borders [report](#). The court sentenced computer engineer Yang Zili and writer Zhang Honghai to eight years imprisonment. State security officials detained the four on March 13, 2001. The local procuratorate indicted the four on August 29, 2001, according to a Human Rights in China [translation](#) of the indictment. Their trial opened on September 28, 2001. The court postponed the trial, however, and over 18 months passed before the intermediate court convicted them on May 28, 2003.

The court found all four guilty of "establishing an organization, proposing to change China's system of government, distributing proposals over the Internet that call for social change, criticizing the existing system, and denying the leadership of the Communist Party." The court also convicted them of "subversion of state power," a crime under Article 105 (1) of the [Criminal Law](#). They are being held at the Beijing No. 2 Prison. Sentences for Xu and Jin expire March 12, 2011, those for Yang and Zhang expire on March 12, 2009.

Under Article 81 of the Criminal Law, officials have discretion to grant parole to a prisoner after he or she has served half of a fixed-term imprisonment sentence. A prisoner's chances for parole improve if he or she has observed prison regulations, accepted education and reform through labor, showed repentance, and will no longer cause harm to society. Under Article 44 of the Criminal Law, this term is calculated from the date of detention if the prisoner has been held in detention before the court judgment takes effect. As a result, Xu and Jin will become eligible for parole on March 13, 2006. (Yang and Zhang became eligible for parole on March 13, 2005.) On January 1, the Beijing municipal government put into effect [six prohibitions restraining prison police abuses](#), as well as "Temporary Provisions on Investigating Responsibility for Mistakes in Law Enforcement by People's Prison Police" (Beijing Provisions). According to a December 15, 2005, Beijing Daily [article](#) (via Xinhua, in Chinese), the Beijing Provisions subject Beijing prison police to such sanctions as warnings or dismissal for intentionally failing to declare a sentence reduction or parole for inmates who meet the criteria.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id40378>

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### **MII to Monitor Online Content, Sanction Web Sites That Fail to Register**

Su Jinsheng, director of the Telecommunications Office of China's [Ministry of Information Industry](#) (MII) told a reporter that the MII would coordinate with "relevant content regulating agencies" to "monitor online content" according to an [interview](#) (in Chinese) posted on the Ministry's Web site dated January 13. Su also said that the MII's goals during 2006 included "further strengthening the basic work of Internet administration, and establishing a Web site database, an Internet domain name information database, and an Internet IP address information database in order to coordinate related information."

Su's announcement followed a month during which Chinese authorities began a period of "severe sanctions" against unregistered Web sites, according to a December 12 Boxun [report](#). That report said that the MII had issued a notice to

Internet service providers saying: "The campaign to rectify unregistered Web sites has entered a period of severe sanctions," and demanding they shut down all unregistered Web sites by December 12. The notice represented the latest step in the Chinese government's [crackdown on private Web sites](#) conducted pursuant to the [Registration Administration Measures for Non-Commercial Internet Information Services](#) (Measures) that the MII promulgated in February 2005. State run media reports indicate that the campaign has resulted in the [closure of thousands of Web sites](#) whose operators failed to register with the MII and [public security offices](#).

As part of the registration process, the MII requires anyone who posts news on their Web site to prove that [the Chinese government has authorized them](#) to do so. The MII's registration campaign also coincided with its [joint promulgation](#) with the [State Council Information Office](#) of the [Rules on the Administration of Internet News Information Services](#) in September 2005. Those rules tightened the government's supervision over online news services, and prohibited anyone from using the Internet to post or transmit news reports or commentary relating to politics, economics, and military, foreign, and public affairs without prior government authorization.

On December 29 the Xinhua Daily News Web site published a [report](#) (in Chinese) saying that over 700,000 Web sites had registered with the MII. The report cited Zhao Shi, director of the Ministry of Public Security's Public Information Network Security Investigation Office, as saying, however, that "some" Web sites were continuing to operate without having registered. Zhao also outlined three issues that arise when the government attempts to discover unregistered Web sites:

1. The fact that Web site operators can apply for a domain name either within China or abroad.
2. Problems involving Internet Protocol (IP) addresses (although Zhao did not specify what these were).
3. Problems involving discovering precisely which companies and work units had registered, but Zhao said "relevant agencies" were using "technological means" to find those Web sites that had not registered.

Zhao warned that those failing to register faced being shut down.

Also on December 29 Xinhua [reported](#) (in Chinese) that Shanghai registered over 150,000 Web sites by October, and that "many" Web sites were shut down for failing to register. The report also stated that an audit by the Shanghai Communications Administration (SCA) had found that the number of Web sites had increased by 22,000 by December 2005, and a "significant proportion" had not undertaken registration. In response, the SCA contacted the main Internet service providers (defined as anyone who provides "public, shared information to Internet users") in Shanghai, and demanded that they shut down the unregistered Web sites.

In addition to [requiring Web sites to register with the MII](#), in the summer and fall of 2005 some large cities in China, such as [Qingdao](#), [Guangzhou](#), and Beijing, began forcing Web sites operators to register with public security authorities, citing provisions of the [Measures for the Administration of Security Protection of Computer Information Networks with International Interconnections](#). Nanning city, Guizhou province is the most recent major city in China to [begin requiring this type of registration](#), issuing a notice in late January giving Web site operators 30 days to register or risk unnamed sanctions.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41084>

## Human Rights Defenders Launch Hunger Strike to Protest Government Oppression

Human rights defenders in China launched a hunger strike relay on February 4, according to Chinese dissident Web sites and international news media reports. On February 4, the Epoch Times set up an [online forum](#) (in Chinese) for discussion of the topic and posted a "Proposal by Gao Zhisheng and Others to Organize a Rights Defender Hunger Strike Support Group." The proposal condemned the increasingly oppressive environment in which Chinese citizens have attempted to defend their rights, and established the hunger strike relay in support of "laborers, farmers, intellectuals, free [religious] believers, as well as Party, government, military, police, and members of all communities and all groups (including petitioners and social activists in all places) who are illegally persecuted or violently beaten." Organizers launched a Web site ([www.jueshi.org](#)) through which volunteers could register to participate. Beginning February 15, they coordinated simultaneous hunger strikes in at least 10 provinces and municipalities, including Beijing, Liaoning, Shaanxi, Hubei, Hebei, Shandong, Shanghai, Jiangsu, Zhejiang, and Guangdong, according to a Radio Free Asia (RFA) [report](#) (in Chinese) on the same day. As of February 16, over 370 individuals (including overseas supporters) had joined the hunger strike relay, according to an Agence France-Presse [article](#) (via Yahoo News) published the same day.

In response to the nationwide efforts, government officials reportedly have cracked down on organizers and participants. Beijing lawyer [Gao Zhisheng](#), one of the first to participate on February 4, told RFA that public security officers placed 75 percent of the participants in Beijing under house arrest. Officials in other parts of China are said to have placed many others under house arrest or taken them into custody for interrogation. In a February 16 [essay](#) (posted by the Epoch Times, in Chinese), Gao reported that activists [Hu Jia](#), [Qi Zhiyong](#), and three associates of Gao's law firm, which the Beijing Justice Bureau [shut down in November 2005](#), were among the first reported missing and thought to be in government custody. In a February 19 [statement](#) (posted by the Epoch Times), Gao announced that these government actions required a change in the hunger strike strategy. He said the time had come to scale down the level of coordination among hunger strike participants and ensure that their identities could remain confidential.

Participants such as Gao have pointed out that previous government crackdowns tested their will and motivated them to

launch hunger strikes, and noted that the government has responded to their non-violent resistance with additional repressive measures. The hunger strike relay follows months of government violence against human rights defenders in China, which is documented in [Hazardous Times for Human Rights Defenders: An NGO Report on Respect for and Implementation of the UN Declaration of Human Rights Defenders in PRC](#) (posted via Boxun, on January 4). The report, which the [Network for Chinese Rights Defenders](#) submitted to Hina Jilani, Special Representative of the UN Secretary General on the Situation of Human Rights Defenders, characterizes 2005 as "a leap forward in Chinese citizens' rights consciousness" and provides a number of examples of "close surveillance and brutal repression by government agents." On February 2, activist [Guo Feixiong](#) (whose true name is Yang Maodong), published an essay on [The Widespread Infringement of Human Rights Suffered by Rights Defenders](#) (posted via Boxun, in Chinese). Guo's essay noted that the [criminal case against house church leader Cai Zhuohua](#) provided momentum in 2005 for a growing movement among Chinese human rights defenders. He identified [government suppression of a recall campaign](#) against an allegedly corrupt local leader in Taishi village, Guangdong province, as the start of a widespread government campaign targeting those activists. As evidence of this campaign, Guo highlighted the government's violent treatment of [Ai Xiaoming](#), [Guo Yan](#), [Tang Jingling](#), [Lu Banglie](#), [Xu Zhiyong](#), [Zhao Xin](#), [Yao Lifa](#), and [Gao Zhisheng](#), who all provided legal representation for defendants in, or expressed criticism about, some of the most high-profile rights cases of 2005. According to a February 3 RFA [report](#) (in Chinese) and February 6 SCMP [report](#) (subscription required), unidentified assailants beat Guo outside the doors of the Linhe police dispatch station in Guangzhou, two days after he published the essay and immediately after officials interrogated him.

International law protects the individuals and activities that news media and NGO reports have raised in their coverage of the hunger strike relay. The UN High Commissioner for Human Rights [defines](#) a "human rights defender" as someone who acts on behalf of individuals or groups to promote and protect civil and political rights, and to promote, protect, and realize economic, social, and cultural rights. The definition includes those who focus on good governance and advocate for an end to government abuse of power. Human rights defenders must adopt peaceful means for their struggle if they wish to fall under the protections of the [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) (Declaration). Article 12 of this Declaration, [adopted in 1998 by consensus of the UN General Assembly](#), stipulates that: (1) Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms; and (2) The state shall take all necessary measures to ensure protection against violence, threats, or retaliation for those who exercise this right. In addition, Article 20 of the [Universal Declaration of Human Rights](#) and Article 22 of the [International Covenant on Civil and Political Rights](#) (ICCPR), which China [signed](#) on October 9, 2005, protect each individual's freedom of association.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41765>

## Liaoyang Labor Activist Xiao Yunliang Released From Prison 24 Days Early

Labor activist Xiao Yunliang was released on February 23, 2006, from Kangjiashan Prison in Shenyang city, Liaoning province, according to a February 28 [press release](#) from the Dui Hua Foundation, a U.S. NGO that monitors political imprisonment in China. The remaining 24 days of his four-year sentence were commuted, and he is subject to two years deprivation of political rights until February 22, 2008.

Xiao was a laid-off worker who participated in large-scale protests in Liaoyang city, also in Liaoning, in 2002. Xiao worked at, and retired from, the Liaoyang Ferrous Alloy Factory and was among the leaders of peaceful mass demonstrations in March 2002 in connection with the shutdown and bankruptcy of the factory. Public security officials originally detained Xiao for "illegal assembly and demonstration," but on January 15, 2003, the Liaoyang Intermediate People's Court instead tried him on charges of "subversion of state power" because he allegedly was involved in the banned China Democracy Party, according to the [China Labour Bulletin](#) and a Human Rights Watch [translation](#) of the December 27, 2002 indictment. "Subversion of state power" is a crime under Article 105(1) of China's [Criminal Law](#). Xiao denied all the charges, and his lawyer argued in court that Xiao was protesting because the factory management had not paid him his pension for 23 months.

The Liaoyang court also tried on the same day Yao Fuxin, another Liaoyang protest leader, who received a seven-year sentence. The two were convicted on May 9, 2003, and an appellate court heard Xiao's and Yao's appeals without permitting either defendant's lawyers or families to attend. Yao is being held in the Lingyuan No. 2 Prison in Lingyuan city, Liaoning. Xiao is nearly 60 years old, and both Xiao and Yao have suffered from poor health in prison, according to a December 2003 report by [Human Rights in China](#).

## Circular Promotes Access to Religious Sites, but Local Implementation Lags

Officials at several religious sites throughout China have not yet implemented a December 2005 national [circular](#) requiring that admission fees be waived for religious believers who visit tourist destinations that also are sites of religious activity, according to a February 7 investigative [report](#) in the China Ethnicities News. Reporters who talked to officials and visited religious sites in Beijing municipality, Sichuan, Hubei, and Hebei provinces, and the Xinjiang Uighur Autonomous Region (XUAR) found that officials in most localities were tardy in transmitting the circular to the appropriate departments and work units. Only the Hubei Province Ethnic and Religious Affairs Commission and a Daoist temple there confirmed that they had



received the circular. An official from the Hubei Commission said that office transmitted the circular to appropriate departments after receiving it, but the official expected implementation would lag since the new guidance had come out at the year's end. The Daoist temple had not yet implemented the circular.

At several sites throughout the country, staff said they had a policy of admitting some religious believers for free, but that they were unaware of the circular requiring free admission for all such adherents. The White Cloud Temple (Baiyun'guan) in Beijing said it permits Buddhist monks and Daoist priests to enter without charge. An official there said that temple management would implement the national circular as soon as they received notice of it. Monks at two temples in Hubei, the province where authorities acknowledge having received the circular, said they were unaware of the circular but had a policy of admitting monks and local religious believers for free. A city-level ethnic and religious affairs commission in Hubei refused to comment on the circular. The XUAR Ethnic and Religious Affairs Commission and the XUAR Islamic Association said they had not received the circular. An official at the Lama Temple (Yonghe'gong) in Beijing refused to verify whether the policy was enforced there, although a ticket taker told a reporter that proof of religious affiliation would not entitle the reporter to free admission. According to the circular, people of the same religion as a particular site of religious activity within a tourist destination should be granted free entry if they have formally entered the religion and can produce valid proof.

The circular's publication comes roughly 10 months after China's [Regulation on Religious Affairs](#) (RRA) entered into effect. The RRA includes a provision on sites of religious activity that also attract tourists. Article 26 provides that where a site of religious activity also serves as a tourist area, local governments "shall coordinate and deal with the interrelated interests between the site for religious activities and the park, relics, and tourism, and safeguard the rights and interests of the site for religious activities."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41094>

## Ministry of Public Security Urges Use of "Strike Hard" to Counter Social Unrest

Bai Jingfu, Assistant Party Secretary of China's Ministry of Public Security (MPS), urged the nation's public security agencies to "strike hard" against rising social unrest, according to January 26 articles by the [China News Agency](#) (in Chinese, via Xinhua) and [Reuters](#). The MPS Communist Party Committee concluded at a January 25 meeting that China will continue to face internal conflicts, high crime rates, and struggles against unnamed "enemies" for a long time to come. It also emphasized that public security agencies should keep close watch and "strike hard" when dealing with terrorist activity, in order to safeguard national security and social stability.

The Reuters report notes that the Chinese government believes its greatest terrorist threat exists in the Xinjiang Uighur Autonomous Region (XUAR). At the CECC's November 16, 2005, Issues Roundtable on [China's Changing Strategic Concerns: The Impact on Human Rights in Xinjiang](#), Dr. S. Frederick Starr explained in his [statement](#) that the government has employed a sustained "Strike Hard, Maximum Pressure" campaign within the XUAR since the late 1990s. It has used this campaign to focus on crimes of separatism, terrorism, and religious extremism. According to Dr. Starr, the central government reaffirmed the use of "Strike Hard, Maximum Pressure" in August 2005, even though the campaign "has long since wiped out whatever separatist currents may have existed in Xinjiang a decade ago." A January 18 Human Rights Watch (HRW) [report](#) adds, "'Strike Hard' campaigns subject Uighurs who express 'separatist' tendencies to quick, secret, and summary trials, sometimes accompanied by mass sentencing rallies. Imposition of the death penalty is common." On January 17, Ismail Tiliwaldi, Chairman of the XUAR government, announced that in 2006, the government would [maintain its crackdown against separatism, terrorism, and religious extremism](#), and "resolutely implement" the central government's policies on maintaining stability in the XUAR.

"Strike Hard" developments in the XUAR are consistent with information about China's nationwide "Strike Hard" policy, discussed in [Section III\(b\)](#) of the CECC's [2005 Annual Report](#). The 2005 Annual Report states, "Within [an] evolving 'strike hard' framework, public security agencies continued to launch frequent, small-scale anti-crime campaigns targeting particular regions or crimes." It also states, "The Chinese government's 'strike hard' anti-crime campaigns are evolving from periodic and intense national crackdowns into a lower intensity but permanent feature of the law enforcement landscape." In December 2005, the Communist Party Central Committee (CPCC) and State Council [ordered stronger controls over society](#) and called on officials to both prevent and promptly "strike" against crime. Politburo member Luo Gan spoke at a national conference on December 5 and 6, 2005, and called for a "harsh crackdown" on criminal activities, to create a sound social environment for implementing the [11th Five-Year Program](#) and building a "harmonious society," according to a December 7 Xinhua [article](#) (via People's Daily). Supreme People's Court (SPC) President Xiao Yang later spoke at a meeting of provincial-level high court judges and demanded that court officials continue to uphold the "Strike Hard" policy, according to a January 5 Xinhua [article](#) (in Chinese). President Xiao's January 2006 message differed from the one he [delivered at a mid-December 2004 meeting of high court judges](#), which reportedly instructed courts to strengthen rights protection and ensure that innocent people are not prosecuted in the course of efforts to fight crime and maintain social stability. In 2006, President Xiao more explicitly called for strengthening adjudication of criminal cases in order to safeguard public order, according to the January 5 Xinhua article. The new "public order" language brings the SPC's policy goals more closely in line with those of the CPCC and State Council.

On January 19, the MPS [reported a rise in public order disturbances in 2005](#), reflecting a general increase in social unrest in China. Despite increasing unrest, Party officials have emphasized the need to strengthen control over society, but continue

to [rule out significant political reform](#). For more information on [Growing Social Unrest and the Chinese Leadership's Counterproductive Response](#), see the Introduction to the CECC's 2005 Annual Report.

## Provincial High Courts Implement SPC Circular on Death Penalty Hearings

The high people's courts (HPCs) of Beijing, Shanghai, and Tianjin municipalities, Hainan and Qinghai provinces, and the Tibet Autonomous Region all have reported that they currently handle death penalty appeals in court, according to a January 17 China Youth Daily [article](#). These reports come several weeks after a Supreme People's Court (SPC) [circular](#) went into effect on January 1, [requiring court hearings in all death penalty appeals](#) beginning in the second half of 2006. The China Youth Daily article implies that other provincial-level HPCs do not currently conduct court hearings to resolve death penalty appeals, but are preparing to institute new procedures that will bring them into compliance with the SPC requirement.

The SPC has focused on reforms to the death penalty review process to minimize the risk of wrongful executions and provide greater rights protection to criminal defendants. These concerns came to the forefront of a national debate on the criminal process after domestic media exposed the wrongful conviction cases of Nie Shubin and She Xianglin, each identified in a January 5 China Youth Daily [article](#) as 1 of China's 10 most influential legal cases in 2005. The controversy over these cases helped push the SPC to take [concrete steps toward reclaiming the death penalty review power](#) and [incorporate death penalty reform into the Second Five-Year Reform Program](#) for the people's courts. Echoing SPC language, HPCs in Hainan and Beijing have emphasized how court hearings enable them to fulfill the goals of minimizing wrongful executions and providing greater protection to criminal defendants, according to January [26](#) and [20](#) articles posted on the China Court Web site. However, courts have varied both in interpreting which cases require court hearings under the law and in the specific procedures that they use for court hearings. The Beijing HPC reports that it conducts hearings for all death penalty appeals. It also allows the procuratorate and criminal defense lawyers to participate in the hearings and opens at least some hearings to the public. In addition, the Beijing HPC applies sentencing guidelines that limit the use of the death penalty only to crimes that are particularly heinous and create serious harm. Reports by HPCs in Hainan, Tianjin (via the [China Court Web site](#)), and Shanghai (via [Legal Daily](#)) do not mention these procedural safeguards as part of their current appeals procedures.

The circular that went into effect on January 1 focuses only on procedures for provincial-level high courts, and does not clarify how the SPC itself will conduct death penalty review. At the same time that provincial-level HPCs are reforming their procedures to bring them into compliance with SPC demands, the SPC continues to [expand its own personnel](#) to cope with the additional work from taking back the death penalty review power. According to a January 25 [article](#) in the 21st Century Business Herald, the SPC currently is establishing three new criminal tribunals that will focus primarily on death penalty review. The SPC already operates two criminal tribunals. A January 16 People's Daily [report](#) notes that the SPC is likely to draw from several candidate pools to staff the three new tribunals, including: (1) outstanding criminal judges from the various HPCs and intermediate people's courts; (2) Ph.D. and Masters students who will initially serve as judicial clerks and receive preparatory training for eventual promotion to judge; (3) top scorers on the national judicial exam; and (4) candidates for positions as judicial secretaries. According to a November 3, 2005, [report](#) in the Beijing News, the SPC is expected to issue a judicial interpretation that will help settle open issues in the death penalty review process and further clarify its own procedures.

For additional information on capital punishment in China, see Section III(b), on the [Rights of Criminal Suspects and Defendants](#), in the CECC's [2005 Annual Report](#).

## Authorities Release One 1989 Tiananmen Democracy Protestor, Detain Another

Chinese authorities released journalist Yu Dongyue on February 22, on completion of his 17 year and 3 month sentence for throwing paint during the Tiananmen democracy protests in 1989. Yu's release complies with Article 44 of the [Criminal Procedure Law](#), which provides that a prisoner's fixed term of imprisonment is calculated from the date of detention, if the prisoner was held in detention before the court judgment. Yu will continued to be deprived of his political rights for another five years following his release, pursuant to his original sentence.

Chinese authorities released Lu Decheng and Yu Zhijian (no relation to Yu Dongyue), who were imprisoned for the same act of paint throwing, in 1998 and 2000, respectively. Officials have offered no explanation for why they kept Yu Dongyue in prison while releasing Lu and Yu Zhijian (whose sentences were originally 16 years and life, respectively). In December 2004, Radio Free Asia (RFA) [reported](#) that Lu visited Yu Dongyue in prison and said that he was "barely recognizable." According to a June 16, 2005, RFA [article](#), Lu and Yu Zhijian wrote repeatedly without positive result to central government officials in Beijing calling for the release of Yu Dongyue on medical grounds. Yu first became eligible for medical parole in 1996, but a June 6, 2005, South China Morning Post article quoted his mother as saying that when she submitted the application, prison officials told the family that political criminals could not be granted medical parole and that "he never admitted he was wrong." Article 3 of the "Measure on Implementing Medical Parole for Prisoners" only prohibits three categories of prisoners from eligibility for medical parole: (1) those serving death sentences with a two-year reprieve; (2) those whose crimes are serious and toward whom the people have great hatred; and (3) those who injure or incapacitate themselves in prison to escape punishment.

Following his release, Yu's mother told the Times of London that he was "broken and mentally deranged." The Times [reported](#) on February 23 that Yu spent two years in solitary confinement and was subjected to electric shocks and brutal beatings. He was once tied to a post and left standing in the sun for days, the report said. According to the Times, a friend said that when authorities transferred Yu to a prison hospital after a mental breakdown in 1992, other prisoners were ordered to take care of him, but instead beat him at will.

According to a February 23 New York Times [article](#), John Kamm, the head of the Dui Hua Foundation who had lobbied on behalf of Yu, stopped short of giving China credit for leniency, saying: "It's an early release only in the sense that he was originally sentenced to 20 years. . . . Frankly, I was hoping they would commute. In my opinion, this is a fairly minor gesture, if one at all."

According to [PEN Canada](#), Yu Dongyue, then a deputy editor of the Liuyang Daily, traveled from Changsha city, Hunan province, to Beijing on May 19, 1989. He was a representative of the Hunan Delegation in Support of the Beijing Students, which traveled to join the Tiananmen democracy protests. On May 23, Yu, Lu, and Yu Zhijian threw paint at the famous portrait of Mao Zedong that faces Tiananmen Square from the Forbidden City. Police immediately arrested the three. Yu was tried on July 11, 1989, and on August 11, the Beijing Intermediate People's Court sentenced Yu to 20 years in prison and 5 years deprivation of political rights for "counterrevolutionary propaganda" and "counterrevolutionary sabotage and incitement," crimes under Articles 102(2) and 102(1) of China's 1979 Criminal Law. In 1997, authorities transferred Yu to Yuanjiang Prison in Hunan. According to the Dui Hua Foundation, Yu received a 2-year sentence reduction in January 2001 and a second, 15-month sentence reduction some time during 2003.

[Reuters](#) (via the Washington Post) and the [Associated Press](#) (via the China Post) reported on February 24, that Chinese authorities have detained Yu Zhijian as part of a police roundup of people participating in a [hunger strike relay](#). According to [Gao Zhisheng](#), one of the hunger strike organizers, the purpose of the hunger strike relay is to support "laborers, farmers, intellectuals, free [religious] believers, as well as Party, government, military, police, and members of all communities and all groups (including petitioners and social activists in all places) who are illegally persecuted or violently beaten." Radio Free Asia (RFA) [reported](#) (in Chinese) on February 21, that state security officials in Changsha city, Hunan province took Yu Zhijian into custody at his home on February 18, saying that he had posted statements on the Internet. According to RFA, state security officials originally told Yu Zhijian's girlfriend that he would be released after a few days, but on February 21 they sent written notification that they had placed him under criminal detention and suspected him of "subversion of state power."

Lu is currently in Thailand, and is expected to leave for Canada on March 14, 2006, under a UN High Commissioner for Refugees resettlement program, according to a February 23 Reporters Without Borders [press release](#).

## State Council Publishes Regulations on Preventing and Controlling HIV/AIDS

The State Council issued [Regulations on AIDS Prevention and Control](#) on January 18. The new regulations, which will take effect on March 1, outline the central government's most comprehensive policy toward HIV/AIDS since the adoption of the first government guidelines on AIDS in 1987.

The regulations address the dominant modes of HIV/AIDS transmission in China, intravenous drug use and sexual contact, as identified in a January 24, 2006, joint Ministry of Health (MOH), World Health Organization (WHO), and UNAIDS [report](#). The regulations call for cooperative measures among health authorities to provide treatment to drug addicts, including the use of methadone, a synthetic narcotic used in drug substitution therapy. The joint MOH, WHO, and UNAIDS report says that about 288,000 drug users in China are living with HIV/AIDS, accounting for 44.3 percent of the total number of estimated HIV cases. The regulations also require local governments to organize AIDS prevention action plans and monitoring systems, encourage local governments to post material about AIDS transmission in public places, and require managers of certain public venues to provide condoms. The new regulations also highlight the responsibility of governments at all levels for treating HIV/AIDS. The regulations require that county-level governments and above provide free anti-HIV/AIDS drugs for rural AIDS patients and poor urban patients, as well as provide free counseling for all HIV/AIDS carriers.

The widespread failure of local governments to implement national policy is one of the greatest challenges in China's attempts to prevent and control HIV/AIDS. Vice Premier Wu Yi [highlighted](#) the implementation problem during a meeting of the State Council Working Committee on AIDS Prevention and Treatment in November 2005.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41281>

## AIDS Activist Resigns From Civil Society Organization, Cites Government Pressure

Citing government pressure, prominent Chinese AIDS activist Hu Jia resigned from Loving Source, an AIDS organization he helped found in 2003 to assist the orphans of AIDS victims, according to a February 7 Reuters [report](#). Hu said, "I left to avoid trouble for Loving Source."

Hu indicated that he received a letter from an international donor organization retracting its decision to provide Loving Source with 100,000 yuan (US \$12,000) in funds, according to a February 7 Voice of America (VOA) [report](#) (in Chinese). According to Hu, the letter noted that Hu's involvement in human rights work had "led to pressure" on the international

donor, and created concerns that the donor's funding of Hu's projects might jeopardize their other projects in China. During the fall of 2005, Chinese public security officers [detained](#) Hu for attempting to deliver a petition to Vice Premier Wu Yi at an AIDS conference in Henan province. State security officers also [beat Hu and placed him under house arrest](#) for 14 days during visits by top United Nations and European Union officials.

Hu said that the Chinese government "is using soft methods to narrow the space NGOs can exist in. The authorities are worried a civil society would bring about a strong force that challenges its rule." Chinese authorities use a restrictive regulatory environment to limit the development of an independent civil society. For more information, see section V(a) of the Commission's 2005 Annual Report, on the [Development of Civil Society](#). In the spring of 2005, Chinese authorities increased pressure on social science research centers registered as for-profit companies and therefore operating outside of regular channels of official control. Authorities [required](#) such centers to re-register with the Ministry of Civil Affairs or be closed.

Hu said that the reforms last year have limited the ability of Chinese civil society organizations to obtain funding from foreign organizations. According to VOA, Hu said that "They [the Chinese government] are very adept. They know how to go after you - cut off your sources of funding. The so-called 'regularization' in April of last year made all the centers change their names. Before, they were all called 'research institutes' and all foreign organizations could immediately recognize that these were civil society groups. Now they have had their names changed to 'cultural transmission and information centers' and these names look more like corporate enterprises, which has increased the difficulty of obtaining foreign funding."

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## Xinjiang Government Continues Restrictions on Mosque Attendance

Authorities in the Xinjiang Uighur Autonomous Region (XUAR) have tightened controls over who may enter mosques, according to a February 6 Radio Free Asia (RFA) [report](#). A photograph sent to RFA depicts a sign in front of a mosque in the southern part of the XUAR that forbids entry to five categories of people: Communist Party and Communist Youth members; state employees, workers, and retirees; minors under 18; local government employees; and women. According to RFA, an imam in Kashgar confirmed some of these restrictions and said that policies elsewhere are the same as at his mosque. A XUAR resident cited in the article said authorities monitor attendance at mosques and levy fines when people violate the bans.

RFA says the ban on women represents "the first time such gender restrictions have been alluded to." Other restrictions reflect longstanding policies to narrow the scope of who may engage in religious activities. Article 14 of the XUAR's 1993 [Implementing Measures of the Law on the Protection of Minors](#) says that "parents or other guardians may not permit minors to be engaged in religious activities." In their 2005 report [Devastating Blows: Religious Repression of Uighurs in Xinjiang](#), Human Rights Watch (HRW) and Human Rights in China (HRIC) report that neither the national [Law on the Protection of Minors](#) nor other provinces' implementing measures include such a provision. HRW and HRIC report that the ban's implementation appears to vary, but "Uighur Muslims report that the ban is implemented against them more harshly than against members of other ethnic or religious groups[.]" In the XUAR's 2000 "Interim Provisions on Disciplinary Punishments for Party Members and Organs that Violate Political Discipline in Fighting Separatism and Safeguarding Unity," cited in the HRW/HRIC report, article 18 includes the provision that "[p]ersons who have a strong religious belief and are eager to organize and participate in religious activities and who have refused to mend their ways despite repeated education ought to be persuaded to withdraw from the Party or be removed from the Party." Nationwide, the Communist Party recently reacted to estimates of a strong presence of religious practitioners within the Party through measures enforcing the Party's ban on religion, according to a November 8 [article](#) in The Epoch Times excerpted from the magazine Zhengming. While Party membership is not mandatory in China, it can further career opportunities and social advancement. The U.S. Department of State notes in its 2005 [International Religious Freedom Report](#) that "party membership is required for almost all high-level positions in government, state-owned businesses, and many official organizations."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id40912>

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## Central Government to Spend More on Rural Compulsory Education, Regulate Fees

The State Council approved in principle on January 4 an amended draft of the Compulsory Education Law to ensure central and provincial government funding for compulsory education and to standardize collection of school fees, according to a January 4 Xinhua [article](#). Students in poor rural areas will benefit from the new law first, and officials hope to implement free compulsory education nationwide by 2010, according to a February 2 Xinhua [report](#).

County governments currently are responsible for funding nine years of compulsory education, but lack sufficient resources, in part as a result of the elimination of the agricultural tax, according to comments of State Council member Liu Bin in a January 18 People's Daily [article](#). The new law mandates that the central government disburse education funds to provincial governments, which will then provide the funding to ensure that county governments make the necessary outlays for education. Central and provincial government oversight will deter inappropriate use of the funds, according to Liu.

Wang Xuming, spokesperson for the Ministry of Education (MOE), explained that the MOE will continue to remove rural school principals who collect fees other than the costs of textbooks, workbooks, and accommodations, according to a January 26 China Daily [article](#). Schools sometimes overcharge students for textbooks and school supplies or levy fees for non-essential items such as uniforms or bedding, Wang said. Since 2002, the MOE has removed almost 400 school



principals for imposing arbitrary fees, and complaints of fee collecting dropped by almost 30 percent between 2004 and 2005, according to statistics from the State Bureau for Letters and Calls quoted in a January 25 China News [article](#) posted on the Procuratorate Daily Web site.

The State Administration of Taxation issued a notice in January that schools are now required to pay taxes on arbitrary fees they collect, according to a February 6 China Daily [article](#). This new policy could have the unintended effect of legitimizing the arbitrary fees, says Hong Chengwen, a professor at Beijing Normal University.

A [survey](#) published in the China Youth Daily on February 8 found that paying for education is the leading cause of poverty for urban and rural residents, ahead of medical expenses and the cost of caring for the elderly. According to MOE [statistics](#) for 2004, 99 percent of boys and 98.9 percent of girls were enrolled in primary school. Girls made up 88 percent of the 2.5 percent of students who dropped out of middle school. The national enrollment rate for upper middle school students was 48 percent.

## Release Date Approaches for Imprisoned China Democracy Party Member Tong Shidong

Imprisoned China Democracy Party (CDP) member Tong Shidong's sentence will expire on March 9, 2006, according to the Dui Hua Foundation, a U.S. NGO that advocates for prisoners of conscience in China. The Changsha Intermediate People's Court's initial sentence provides that Tong will be deprived of political rights for three years after release.

On June 10, 1999, public security authorities in Changsha, Hunan province, detained Tong Shidong for "subversion of state power," according to Dui Hua, [Human Rights in China](#), [Human Rights Watch](#), and [The Laogai Research Foundation](#). A professor of physics at Hunan University, Tong founded the Hunan University Preparatory Committee of the China Democratic Party in late 1998, at the same time that Chinese authorities began a crackdown on the CDP. Authorities formally arrested Tong on July 17, 1999. The Changsha procuratorate accused Tong of organizing the CDP's Hunan Preparatory Committee and disseminating materials related to the organization. The Changsha Intermediate People's Court sentenced Tong on December 22, 1999, to 10 years imprisonment for "subversion of state power," a crime under Article 105 of China's [Criminal Law](#). Chinese officials reduced Tong's sentence by 18 months in August 2002 and by an additional 21 months in December 2004.

Several leading Chinese activists founded the CDP in 1998 to promote multi-party politics, direct elections, and checks on government power. The CDP's [founding declaration](#) calls for an orderly and peaceful transformation of Chinese politics. Chinese authorities have used subversion charges to impose lengthy prison sentences on other activists associated with the CDP, including Xu Wenli and [Xu Wanning](#).

## Politburo Member Calls for Religion to Serve Party Goals

Politburo Standing Committee Member Jia Qinglin told religious leaders at a meeting on January 22 that religious work should carry out party policies, contribute to the country's development, and resist foreign infiltration, [Xinhua](#) reported that day. (Click [here](#) for an abbreviated Xinhua report on the event in English.) Jia added that religious work should focus on safeguarding national security and social stability. A [summary](#) of religious work in 2005, which was posted January 27 on the State Administration for Religious Affairs Web site, said that upholding social stability is the "number one responsibility" and enduring theme of religious work.

The summary also highlighted achievements in training officials on the [Regulation on Religious Affairs](#) (RRA). The CECC noted in the section on [Freedom of Religion](#) in its 2005 [Annual Report](#) that the government implementation campaign for the RRA has emphasized increased control over religion.

In the past year, authorities have continued to repress religious practice outside officially approved venues, as well as other religious activities deemed outside the scope of "normal" practice (click [here](#) and [here](#) for examples). In addition, authorities continue to tightly control official religious organizations (click [here](#) and [here](#) for examples).

## Legal Aid Center Seeks Gradual End of Labor Subcontracts in Construction Sector

The annual report of the government-sponsored Beijing Migrant Workers Legal Aid Center said that labor subcontractors "have become a serious obstacle to the protection of migrant worker rights," according to a January 18 China Youth Daily [article](#). Established in September 2005, the Center has received 2,007 inquiries regarding cases, 757 of which represent back wage issues involving more than 13,000 workers and totaling about 35 million yuan (about US \$ 4.3 million) of disputed back wages. The Center has accepted 271 of these cases.

After they arrive in Beijing, the majority of migrant workers rely on labor subcontractors to help them find work, according to the China Youth Daily article. These subcontractors make oral agreements with migrant workers and then subcontract them out to companies, who pay the subcontractor. In theory, the workers are then paid by the subcontractor. If disputes over wages arise, however, migrant workers have difficulty obtaining the wages owed to them. The article notes that labor authorities do not accept migrant worker cases seeking to recover back wages from subcontractors, citing the lack of a formal contractual relationship between the two. Courts also reject migrant worker efforts to obtain wages from the

companies where they actually worked, viewing the labor dispute as one between worker and subcontractor. The Center's annual report asserts that some labor subcontractors have stolen wages owed to migrant workers.

The Center's annual report calls on Chinese authorities to gradually eliminate labor subcontractors from the construction industry, where many reported wage violations occur. The report also proposes that companies themselves sign contracts with migrant workers and assume the responsibility for paying their wages.

For more information on the issue of wage arrears in China, see Section III(C) on the Protection of Internationally Recognized Labor Rights in the Commission's 2005 [Annual Report](#).

## **Eight Tibetans Detained in Sichuan Province Questioned About Fur-Burning Campaign**

Chinese officials in Sichuan province detained eight Tibetan "youths" whom they suspected of involvement in a February campaign to burn wild animal fur used to trim traditional Tibetan garments, according to a [February 21](#) Radio Free Asia (RFA) report. Authorities suspect that a "foreign influence" sparked the campaign; Chinese officials usually use this term to refer to the Dalai Lama. The Chinese leadership refuses to acknowledge the Dalai Lama's role as the spiritual leader of Tibetan Buddhists, and authorities are wary of Tibetan devotion to him.

The wave of fur-burning began in early February in Qinghai province and spread to other Tibetan areas, including the Aba Tibetan and Qiang Autonomous Prefecture in Sichuan province, where the detainees live. The Dalai Lama conducted an important Buddhist teaching (the Kalachakra) in India in January, calling on Tibetans to stop using animal fur, including fur from rare and endangered species, to embellish their outerwear. He told the gathering, which included [thousands of Tibetans from China](#), "I am ashamed and don't feel like living when I see all those pictures of people decorating themselves with skins and furs," according to a [January 17](#) Wildlife Trust of India (WTI) report. "When you go back to your respective places, remember what I had said earlier. Neither use, sell, or buy wild animals, their products, or derivatives." The International Campaign for Tibet (ICT) also reported the Dalai Lama's remarks in a [February 9](#) news release.

According to the RFA account, which does not name the individuals or provide their date of detention, authorities held the detainees in an Aba county Public Security Bureau (PSB) detention center and subjected them to "intense interrogation." A source told RFA that relatives whom authorities permitted to visit their detained family members reported no signs of beating or torture. The eight Tibetans "started activities at Kirti Monastery," according to an RFA source, but the article neither says whether the Tibetans are monks nor explains how the Tibetans carried out their alleged campaign. Kirti is the largest monastery in Aba county and follows the Gelug tradition of Tibetan Buddhism headed by the Dalai Lama. According to information available in the CECC [Political Prisoner Database](#) (PPD), 59 Tibetans (excluding the unnamed eight detainees reported by RFA) have been detained or imprisoned in Aba prefecture since the current period of Tibetan political activism began in 1987. About 60 percent of those detained or imprisoned are monks. All but 1 of the 10 persons known or believed to remain imprisoned or detained are monks.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id42164>

## **Gansu Court Sentences Five Tibetan Monks and Nuns for Protest Posters**

A court in Gannan Tibetan Autonomous Prefecture (TAP), Gansu province, sentenced five Tibetan monks and nuns in late January to up to three years of imprisonment for displaying and distributing letter-sized posters critical of the Chinese government in 2005, according to a series of reports that emerged beginning in July 2005. Public security officials detained the monks and nuns on May 22, 2005, in Xiahe county, the location of Labrang Tashikhyil Monastery and Gedun Tengyeling Nunnery, where the monks and nuns studied. A [January 30](#) "urgent campaign" document posted on the Web site of the London-based Free Tibet Campaign (FTC) provides the most detailed account available. Reuters (reprinted in the Web site of the New York Times) and the Associated Press (AP, reprinted on the Web site of the INQ7 Network) reported the story on [February 6](#) and [7](#), respectively, citing FTC as the source.

Authorities suspected that monks Dargyal Gyatso and Jamyang Samdrub of Labrang Tashikhyil Monastery, and nuns Choekyi Drolma, Tamdrin Tsomo, and Yonten Drolma of Gedun Tengyeling Nunnery, circulated the posters and pasted them up in locations in and near Xiahe, including on the gate of the Public Security Bureau (PSB) compound and in the monastery, as well as in more distant locations in Gannan prefecture and Qinghai province. Descriptions of their contents have varied. In [July 2005](#), the Tibetan Centre for Human Rights and Democracy (TCHRD) issued the first report of the detentions, saying that the posters called for "freedom in Tibet." In [December 2005](#), Radio Free Asia (RFA) reported that at least one of the posters called on the Chinese government to start a dialogue with the Dalai Lama. The February Reuters and AP reports added that the posters said China should not host the Olympics until the Tibet question is peacefully resolved. FTC is currently conducting a campaign focused on the 2008 Olympics in Beijing.

An unspecified Gannan court sentenced nuns Choekyi Drolma and Tamdrin Tsomo, and monk Dargyal Gyatso, to 3 years imprisonment, and nun Yonten Drolma and monk Jamyang Samdrub to 18 months imprisonment, according to FTC. A Xiahe County People's Court official confirmed that the monks and nuns were sentenced to imprisonment shortly before Chinese New Year (January 29 in 2006), according to a [February 7](#) Agence France-Presse (AFP) report, but it is unlikely that the county court handled the case. Article 20(1) of the [Criminal Procedure Law](#) stipulates that People's Intermediate Courts have jurisdiction as courts of first instance over crimes of "endangering state security." Gannan's intermediate court is

located in Hezuo, the prefectural capital. No details about the charges against the monks and nuns are available, but Tibetans in similar cases have sometimes been charged with "inciting splittism," a crime that endangers state security under Article 103 of China's [Criminal Law](#). All of the monks and nuns are in their twenties and are from Tibetan autonomous prefectures in Qinghai province, according to FTC. Current information about their place of imprisonment is not available.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id40100>

## Officials Assault Nuns Over Land Dispute in Shaanxi Province

On November 9, 2005, government officials assaulted a group of Catholic nuns in the village of Tongyuan, near the city of Xi'an in Shaanxi province, according to the December 2005 issue of [China heute](#) (in German), an information service supported by German Catholic charities and religious orders. The nuns had attempted to prevent the authorities from erecting a new building on a property that the government confiscated from their religious order during the 1950s. According to China heute sources, the nuns were not injured, and the construction work was halted after the assault.

Two similar incidents took place in November and December 2005--with the notable difference that, while in the other instances unidentified assailants beat Catholic clerics, in this instance government officials themselves assaulted a group of nuns. On November 23, 2005, unidentified assailants [beat a group of Catholic nuns](#) in Xi'an. The nuns had organized a sit-in to prevent the demolition of a school formerly belonging to their religious order. On December 16, 2005, unidentified assailants [beat a group of Catholic priests](#) in Tianjin. The priests had occupied a building formerly belonging to their Shanxi dioceses and demanded its return. At issue in all three cases is the refusal of local authorities to return to religious bodies properties that the government confiscated in the 1950s. The State Council required the return of such properties in the [Authorization of the Report by the Religious Affairs Office, National Basic Construction Committee, and Other Agencies Regarding Carrying Out Religious Groups' Real Property Policies and Other Issues](#) (in Chinese), issued on July 16, 1980.

For more information on Catholics in China, see the [CECC 2005 Annual Report](#), Section III(d).

## Registered Catholics Claim Property in Tianjin

In December 2005, two groups of registered Catholics demanded that officials in Tianjin municipality return a number of properties confiscated from the Catholic church in the 1950s, according to foreign news media reports. Unidentified assailants allegedly beat members of the first group, and officials indicated later that they will return at least some of the property to the group's diocese. Neither officials nor church leaders have reported whether or not the municipal government has responded to the second group.

The first group of registered Catholics demanded that Tianjin municipal officials return a number of valuable properties owned by two Shanxi dioceses before city officials confiscated the properties in the 1950s, according to a December 19, 2005, AsiaNews [report](#). On December 15, about 50 clerics from the dioceses of Taiyuan and Yuci in Shanxi province protested peacefully in front of the Tianjin municipal government offices. The vice mayor of Tianjin met with some of the priests the same day, but made no proposal to resolve the dispute. The group then occupied one of the buildings it wants returned. On December 16, over 30 unidentified assailants, armed with pipes, clubs, and bricks, beat some of the clerics. The police came too late to apprehend the thugs, took the injured clerics to the police station, interrogated them, and sent them to the hospital several hours later. Other Catholic clerics remained in the building, which the police surrounded, demanding that they vacate by noon on December 21. Some of the clerics refused and remained in the building, according to a December 22 Reuters [report](#).

According to a December 22 report of the [Union of Catholic Asian News](#) (registration required), Shanxi religious affairs officials pressed Bishop Li Jiantang, the 80-year-old registered bishop of Taiyuan diocese in Shanxi, to order his priests to return from Tianjin. Li refused to do so unless officials met the group's demand for the return of church property, according to a December 26 Reuters [report](#), which also noted that the Catholic clerics who remained in the building departed and returned to Shanxi over the Christmas weekend. A Xinhua [report](#) published on December 24 in the Shanghai Daily said that a spokesman for the State Administration of Religious Affairs in Beijing promised that the issue would be addressed in compliance with the Regulation on Religious Affairs and relevant policies. According to a January 2, 2006, AsiaNews [report](#), the Tianjin municipal government has promised to recognize the Church's rights to some buildings in the city. As a sign of good faith, the vice mayor gave the priests the key to one of the buildings in dispute, inviting them to use the building when they visit the city.

AsiaNews has posted a [statement](#) issued by the Taiyuan and Yuci dioceses, as well as the dioceses' [petition](#) that properties owned by Shanxi dioceses in Tianjin be returned, that reasonable compensation be made for buildings that have been demolished, and that an accounting be made of revenue derived from the properties while Tianjin officials managed them.

The second group of registered Catholics has demanded that Tianjin municipal officials return a chapel to the diocese, according to a December 26 Reuters [report](#). Since August 2005, registered Catholic nuns from Tianjin have been occupying the chapel, which was thought to have been demolished until its existence was revealed when surrounding buildings were demolished. The nuns belong to the Sisters of Charity order and claim that they moved into the chapel to prevent developers from tearing it down. The nuns also claim that the chapel has historic significance for their religious order, since it was rebuilt after the "Tianjin Massacre" of 1870, in which 10 members of the order were killed. Municipal officials

apparently have not responded to the nuns' demands.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id36967>

## Beating of Shandong Resident Leads to Clash Between Security Officials, Villagers

Several hundred villagers protested and clashed with public security officials on February 5 in Dongshigu village, Linyi city, Shandong province, as officials beat and detained villager Chen Hua, according to a February 6 Reuters [report](#). Chen received the official mistreatment after he came near the heavily-guarded home of human rights activist Chen Guangcheng, who [brought international news media attention](#) in 2005 to violent abuses by Linyi population planning officials. Villagers overturned police vehicles and public security officials called for reinforcements and threw stones at the villagers, according to a February 8 [Ming Pao](#) report. Tensions in the village subsided on February 6, according to a February 7 South China Morning Post (subscription required) [report](#). Officials released Chen Hua on February 12, and detained Chen Guangdong and other unnamed villagers on February 13, according to a [report](#) (in Chinese) the same day by the Voice of America.

Chen Guangcheng's actions to expose population planning abuses in Linyi city resulted in severe official repression, according to a number of sources. In September 2005, local population planning officials placed Chen under unofficial house arrest, sealed off the village to outsiders, and hired thugs to intimidate Chen, the villagers, and outside visitors. The Reuters report quoted Chen Guangcheng's comments on the clash: "The villagers are angry because they suffer abuse from these people [security officials] as well." According to Radio Free Asia reports, officials beat Chen Guangcheng on [October 4](#) and on [October 24](#). According to a January 8 Boxun [report](#) (in Chinese) thugs beat Yuan Weijing, Chen's wife, on December 27, 2005. In September 2005, national population planning officials [promised to punish](#) those responsible for the population planning abuses in Linyi, but Guardian reporters were unable to confirm that any local officials had been punished, according to a February 3 Guardian [report](#).

For more information on Population Planning in China, see the [CECC 2005 Annual Report](#), Section III(i).

## Jiangsu Court Uses Urban Standard To Set Compensation for Migrant Death

A Jiangsu court awarded compensation to the family of a migrant holding a rural hukou (household registration) who was killed in a traffic accident, using the same standards used to calculate compensation amounts for victims holding urban hukou, according to a February 16 China Court [article](#). The decision contrasts with other cases in which [parties](#) to court cases have applied lower compensation standards for individuals who hold rural hukou but reside in urban areas. It also contrasts with [appellate court rulings](#) that have reversed decisions similar to that of the Jiangsu court.

In the Jiangsu case, a resident named Li died from injuries sustained in a November 2005 traffic accident. Li's family sued the other driver and the insurance company. The Hai'an County People's Court awarded Li's family damages totaling 230,000 yuan (US \$25,400) on February 13, 2006. Although Li held a rural hukou, he had lived in Hai'an since 1995.

The Jiangsu court rejected the defendants' claims that payment should be calculated on the basis of Li's rural hukou status. The court found that it should take into consideration the plaintiff's place of employment and living expenses in calculating the compensation amounts. The court noted that evidence suggested Li had a "stable income" in Hai'an and that compensation based on rural hukou status would provide an "insufficient remedy for the plaintiffs' losses." As a result, the court decided to use the urban resident standard to calculate compensation for Li's death.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41406>

## Local Party Secretary Receives Life Sentence for Authorizing Villager Shootings

The Handan Intermediate People's Court in Hebei province sentenced He Feng, former Party secretary of Dingzhou city, to life imprisonment for authorizing the shootings of villagers protesting inadequate land compensation, according to a February 9 [report](#) by the Voice of America (VOA) and a February 10 report by Ming Pao Daily (both in Chinese). Both sources noted that the court imposed the death penalty on four other defendants, but did not disclose their names. Victims expressed their dissatisfaction with the outcome of the case, and one villager told VOA that authorities had failed to conduct a thorough investigation and punish higher ranking officials who may have been involved.

According to a June 15, 2005, Beijing News [article](#) (in Chinese), six villagers were killed and dozens of others injured on June 11, 2005, when 200-300 unidentified assailants, some armed, entered Shengyou village in Dingzhou. The Beijing News was the first to break the story in mainland China, and a video recording of the attack was later posted on the Washington Post Web site. According to a June 15, 2005, Washington Post [article](#), the conflict between villagers and local officials began in the fall of 2003, after the management of a state-owned power plant announced that it would requisition the villagers' land to build a new facility. Villagers complained that compensation did not meet national guidelines and that local officials had embezzled money that should have gone to the villagers. They suspected that local officials had hired the assailants and helped supply them with firearms to use against protestors. The Beijing News reported that on June 13, two days after the shootings, Dingzhou's Party secretary and mayor were removed from their posts. In December 2005, [Xinhua](#) (via China Daily) reported that 27 people, including former Party Secretary He, were prosecuted for the shootings.



"Hiring thugs for dirty work has been an important tool of local administration in China," according to a February 16 Asia Times [report](#) that analyzed the Dingzhou sentencing. Since October 2005, the CECC has reported on multiple cases of officially authorized violence against Chinese citizens who challenged local government abuse of power. In Taishi village, officials reportedly employed plainclothes security forces to [beat local people's congress deputy Lu Banglie](#) when he attempted to examine villagers' [failed efforts to recall](#) an allegedly corrupt local leader. In Shandong province, officials reportedly employed plainclothes security forces to [beat lawyers visiting activist Chen Guangcheng](#) while he remained under house arrest for exposing the [abuses of population planning officials](#) in Linyi city. Officials reportedly were also responsible for attacks by unidentified assailants on registered Catholics protesting uncompensated property confiscations in [Xi'an](#) and [Tianjin](#). Additional information about ongoing violence by government officials against ordinary citizens is available through recent NGO reports, including [We Could Disappear at Any Time: Retaliation and Abuses Against Chinese Petitioners](#) (issued by Human Rights Watch, in December 2005) and [Hazardous Times for Human Rights Defenders: An NGO Report on Respect for and Implementation of the UN Declaration of Human Rights Defenders in PRC](#) (issued by the Network for Chinese Human Rights Defenders and posted via Boxun, in January 2006). Activists and NGOs have used these reports to call on Chinese leaders to investigate and prosecute officials who authorized the violent actions. Article 234 of the [Criminal Law](#) subjects those who cause "intentional injury" resulting in death to at least 10 years imprisonment, a life sentence, or the death penalty. Those who cause severe injury short of death are punishable by at least 3, but not more than 10, years imprisonment.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id42339>

## Thawing Permafrost May Threaten Qinghai-Tibet Railroad in 10 Years

Thawing permafrost on the Qinghai-Tibet Plateau could threaten the safe operation of the Qinghai-Tibet railway in as little as 10 years, according to a series of statements by Chinese officials and experts reported by the Chinese news media. In [December 2004](#), a China Daily article described the railway as the "centerpiece of China's ongoing 'develop the west program'." (See the Office of the Leading Group for Western Region Development of the State Council [Web site](#) for more information on the Great Western Development program.) Government investment in the railroad totaled about 33 billion yuan, according to an October 15, 2005, China Daily [report](#), and the project will "attract tourists, traders, and ethnic Chinese settlers" to the region.

A June 2005 China Daily [report](#) appears to be the first alert in the Chinese news media that rising temperatures on the Qinghai-Tibet Plateau may eventually threaten the operation of the railway. Luo Yong, Deputy Director of the National Climate Center, warned, "By 2050, safe operation of the Qinghai-Tibet railway will be affected if temperatures keep rising steadily as observed over the past decades." Luo also said that China has had "18 consecutive warm winters," beginning in 1986, and explained that the plateau's winter and summer temperatures may rise as much as 3.4 degrees C (about 6 degrees F) by 2050. A temperature rise of that magnitude would be enough to cause frozen ground to melt away and endanger the railway.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id39596>

## Xinjiang Official Describes Plan to Expand Use of Mandarin in Minority Schools

Within the next 10 to 20 years, education in all ethnic minority schools in the Xinjiang Uighur Autonomous Region (XUAR) will be bilingual starting in first grade, Ma Wenhua, deputy director of the XUAR Education Department, told the South China Morning Post (SCMP), which reported the statement in a February 2 [article](#) (subscription required). He cited the lack of qualified teachers as the reason the government could not fully implement this plan sooner.

Ma said that lack of fluency in Mandarin Chinese could make it "difficult for [ethnic minority students] to continue their education," but he did not acknowledge how the XUAR government's own educational programs foster this problem by reducing opportunities for instruction in minority languages. Under Chinese law, ethnic minorities have the right to use and develop their own languages, but the XUAR government has placed [increasing emphasis on Mandarin](#) in recent years. The government promotes the use of Mandarin through bilingual programs and other measures that place primacy on using Mandarin in school rather than ethnic minority languages. This drive has spread to the pre-school level. A December 27 Xinhua [article](#) cited in the SCMP report said that the government has already decided to subsidize bilingual education in seven rural prefectures in the southern XUAR, and would implement comprehensively its bilingual pre-school program in 2006. The article added that the government will pay 1.5 Renminbi (RMB) per day to pre-schoolers who receive bilingual education and 400 RMB per month to teachers. A leading official of the XUAR Party Committee, quoted in the article, said that supporting bilingual education in lower levels of schooling would raise the "quality" of ethnic minorities and contribute to the modernization drive.

For additional information, see the sections on [Language Policy](#) and [Rights Violations in Xinjiang](#) in the CECC 2005 [Annual Report](#).

## State Council Newspaper Criticizes Lack of Migrant Representation in Shanghai LPC

The China Economic Times, a State Council-sponsored publication, criticized a decision by the Shanghai local people's

Congress (LPC) to deny two migrant observers to an LPC session full status as representatives, according to a January 17 [editorial](#) reprinted on the People's Daily Web site. The editorial asserted that the decision provided insufficient representation for the interests of Shanghai's migrant population. On January 15, the Shanghai LPC allowed for the first time two migrant workers from Jiangsu to attend a session of the Shanghai LPC as observers. Whether the LPC intends that these two migrant workers serve as permanent observers is unclear.

The editorial points out that the Shanghai LPC did not allow the two migrants to serve as full representatives of migrant interests. It notes that none of the 1,000 LPC delegates attending the session represented Shanghai's 4 million migrant workers. The editorial notes that the household registration (hukou) system imposes barriers that exclude many migrants from standing for election, including those who have resided in Shanghai for many years. The editorial calls on Shanghai authorities to allow migrants to sit as actual representatives in the Shanghai LPC. It also emphasizes the need for greater political participation by migrants.

China's household registration system limits representation of migrants in LPCs. By law, rural LPC deputies represent four times as many constituents as their urban counterparts, leaving migrant and rural interests underrepresented. In addition, the right to vote is commonly linked to hukou registration. Migrants lacking local urban hukou are often required to vote in their place of hukou registration, although some localities have adopted reforms to allow migrants to vote where they actually reside. For more information on China's household registration system, see the Commission's [recent topic paper](#) on the subject, the [Freedom of Residence](#) section of the Commission's 2005 Annual Report, the corresponding section of the Commission's [2004](#) Annual Report, and the Commission's [roundtable](#) on hukou reform.

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## Censorship Agency Gets New Director, Calls for "Uniformity" of Political Ideology

Xinhua [reported](#) (in Chinese) on December 27, 2005, that Long Xinmin had replaced Shi Zongyuan as Director of the [General Administration of Press and Publication](#) (GAPP), the agency responsible for enforcing the [legal barriers](#) that the government uses to prohibit average citizens from exercising their constitutional right to freedom of the press. According to a [biography](#) (in Chinese) published in Xinhua, Long joined the Communist Party in 1973, and has served as Director of the Standing Committee for the Beijing Municipal Propaganda Department, Dean of the Beijing Municipal Party School, and Party Secretary of the Beijing Municipal Press and Publication Administration.

In a speech to the National Press and Publication Directors Conference on December 28, 2005, (a summary of which the People's Daily Web site [posted](#) (in Chinese) on December 31), Long indicated that China's news media and publishing industry would continue to move toward marketization. He also emphasized that the Chinese government would "place a high degree of emphasis on the work of protecting copyrights," not only to encourage the development of China's domestic copyright industry, but also because the copyright issue has "complicated the handling of China's relationships with other nations."

Long also emphasized that the Communist Party's Central Propaganda Department would continue to wield significant influence over GAPP policy during his tenure:

Central leadership cadres have told us time and again that we must vigorously increase administration of press and publishing. . . . If we want to deepen reforms of the press and publishers, develop press and publication enterprises, and strengthen the press and publishers, the key is to strengthen the leadership of the Communist Party, and establish a grand cadre of press and publication workers who are politically strong, professionally spirited, hard working, and disciplined. . . . We must earnestly study and implement the spirit of the National Propaganda Directors Seminar.

At the August 2005 National Propaganda Directors Seminar, Liu Yunshan, the head of the Central Propaganda Department, [called on Party propagandists](#) to focus on ensuring that China maintains a single and unified "guiding ideology," -- Marxism. GAPP Director Long echoed Liu, saying "Press and publication departments and copyright agencies at all levels, and leaders and Party members and cadres at all levels of press and publication enterprises must increase their political consciousness . . . maintain a high degree of uniformity with the political ideology of the Party Central Committee under Comrade Hu Jintao as secretary, and insist on never wavering from Marxism as the guiding direction of press and publication work."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id34726>

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## Arrests in Xinjiang Top 18,000 for Crimes Including State Security Offenses

The Xinjiang Uighur Autonomous Region (XUAR) procuratorate approved the arrest of 18,227 criminal suspects investigated by public security, state security, and other agencies during 2005, according to a report delivered at the 4th Session of the 10th XUAR People's Congress and cited in a January 20 Xinjiang Daily [article](#) (in Chinese) and a January 23 Reuters [article](#) in The China Post. The procuratorate indicted 21,853 people during the same year, and courts acquitted 39 people in public prosecution cases for crimes in the region. The report neither specified the number of arrests or people indicted for state security offenses, nor provided a breakdown by ethnic group of those arrested and indicted in the XUAR.

While the absence of detail makes it difficult to analyze these arrest and indictment statistics, in 2005 the XUAR government [continued](#) its campaign against the "three forces" of separatism, terrorism, and religious extremism. The government has

included non-violent activities by ethnic Uighurs among the acts deemed threats to state security. In February 2005, the Kashgar Intermediate People's Court [sentenced](#) Uighur author Nurmemet Yasin to 10 years in prison for "inciting splittism" after he wrote a story about a pigeon who chooses death rather than live in a cage. Korash Huseyin, editor of the literature journal that published the story, [received a three-year sentence](#).

The official arrest statistics exclude people detained without charges as part of the government's crackdown on perceived state security threats. In December 2005, authorities [released](#) two employees of Uighur dissident Rebiya Kadeer after detaining them for seven months without charges. Although officials disclosed no legal basis for detaining the pair, XUAR Party Secretary Wang Lequan [accused](#) Kadeer in August 2005 of plotting terrorist attacks.

For more information see the sections on [Rights Violations in Xinjiang](#) and [Religious Freedom for China's Muslims](#) in the 2005 CECC [Annual Report](#). See also James Millward's 2004 East-West Center Washington report [Violent Separatism in Xinjiang: A Critical Assessment](#) for information on state security issues in the XUAR.

## **Xinjiang Continues Crackdown on Separatism, Terrorism, and Religious Extremism**

Ismail Tiliwaldi, Chairman of the Xinjiang Uighur Autonomous Region (XUAR) government, told a session of the XUAR People's Congress on January 17 that the government would continue to crack down against the "three forces" of separatism, terrorism, and religious extremism in 2006, according to the text of the chairman's [work report](#) posted January 25 on Tianshan Net. He said the XUAR government would "resolutely implement" the central government's strategic policies on maintaining stability in the XUAR and would "strike hard" and stay on guard against ethnic separatist forces inside and outside the borders that use non-governmental organizations, rights protection activities, the Internet, ethnic minority religions, and other strategies to carry out sabotage.

Tiliwaldi also referred to the government's fight against the "three forces" during 2005 and during the period of the 10th Five-Year Plan. He included the battle against the "three forces" in the agenda for the 11th Five-Year Program as well.

The government has [equated](#) some non-violent activities by members of the Uighur ethnic group with separatist acts in its crackdown on perceived state security threats. As part of this campaign, the government also tightly controls religious practice in the XUAR. For more information, see the sections on [Rights Violations in Xinjiang](#) and [Religious Freedom for China's Muslims](#) in the 2005 CECC [Annual Report](#).

## **Chinese Media, Scholars Criticize Lack of Legal Protections for Journalists**

The absence of legal protections for the press has resulted in journalists meeting with "crude interference" when attempting to gather and report news, according to an [article](#) (in Chinese) published in the February edition of the Journalist Monthly, a joint publication of the Shanghai Communist Party Central Committee and the Shanghai Academy of Social Sciences. The article asserts:

Whether it is the Constitution's articles, basic law articles, specialized laws, or judicial interpretations, they all include certain restrictive articles which are sufficient to regulate any illegal tendencies that may occur in the course of news dissemination activities. Given the safeguards of these laws and regulations, it is unnecessary for anyone to be concerned that "once you talk about freedom people will forget about all restraints," or "once you talk about rights it will weaken all kinds of obligations." But regulations that empower news [gathering and reporting] activities are extremely incomplete, and as stated above, some rights have not yet been given legal status, and the right to gather news and report news is only a customary right, and has not become a legally recognized right.

The article echoes statements that Guo Zhenzhi, a professor at Tsinghua University's School of Journalism and Communication, made to a financial and judiciary forum on January 13. Professor Guo said that some Chinese authorities view "press freedom" as something that will lead to chaos, and even more view the purpose of a Press Law as a way to restrict rather than enable the press, according to a February 13 Ta Kung Pao [report](#) (in Chinese). According to Guo, Chinese authorities began drafting a Press Law in the mid-1980s, with one drafting committee established in Shanghai and two in Beijing, but officials are reluctant to introduce a draft because they realize they will be laughed at if the Press Law is seen as a vehicle for controlling the press.

Guo suggested that the basic legislative principle of any new "Press Law" in China should be an emphasis on the "delegation of powers" rather than on "control." Guo also said that the enactment date of a Press Law depends on the progress of political reform and democratization, and stressed that protection of civil rights, not citizens' obligations, should be the priority.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41784>

## **Authorities Control Commemorations for Zhao Ziyang and Hu Yaobang**

Chinese authorities controlled private events during January 2006 that commemorated the death of former Communist Party General Secretary Zhao Ziyang on January 17, 2005, according to news media sources. Officials held no public

commemorations of the anniversary, and restricted privately organized ceremonies. Authorities in Beijing detained [Li Jinping](#), who planned to hold a private commemoration at home on January 8, 2006. Officials also placed dozens of people who planned to attend under house arrest, according to January 9 reports from the Associated Press and Agence France-Presse. Authorities allowed prominent rights activists Ding Zilin, Jiang Peikun, and Liu Xiaobo to pay respects at the Zhao family home in Beijing, according to January 19 articles in the [Straits Times](#) and [Radio Free Asia](#) (in Chinese).

The absence of public commemorations of Zhao Ziyang's death and official controls on private memorial events contrasts with the large official commemoration on the 90th anniversary of former Communist Party General Secretary Hu Yaobang's birth on November 18, 2005. About 300 current and retired officials and intellectuals attended the closed-door event, which was organized by the Party Central Committee, according to a November 15, 2005 New York Times [article](#).

Many Chinese citizens continue to honor both Hu Yaobang and Zhao Ziyang, considering them to have been forward-looking leaders who intended to reform the Communist Party. Hu's death on April 15, 1989, became the catalyst for the "Beijing Spring" democracy movement led by students and workers that the Party leadership ordered the People's Liberation Army to brutally suppress at Tiananmen Square on June 3 and 4, 1989. Zhao Ziyang served as Party General Secretary during the 1989 protests, but was purged for opposing the use of force against the students.

## **GAPP: Indoctrination, Prior Restraints, Political Censorship "Highlights" of '05**

The [General Administration of Press and Publication](#) (GAPP) published an [article](#) (in Chinese) on January 4 entitled "Looking Back on 2005: Focusing on Ten Bright Spots on the Press Battle Lines." Three of these "bright spots" were:

*Number 10: Indoctrinating journalists "in order to promote harmony."*

The GAPP report praised the expansion of the "Three Studies Education" campaign (the study of Jiang Zemin's "Three Represents," the study of the Marxist approach to the press, and the study of professional ethics). According to the report, in 2005 the government carried out on-the-job training of Communist Party officials holding leadership positions at news publishers and "deeply and meticulously performed worker and staff ideological and political work" in order to "safeguard stability and unity."

*Number 9: Regulation of publishing "in accordance with the law."*

According to the GAPP, "markedly effective" legislation on news publishing was adopted in 2005, such as the Rules for the Administration of Those Employed as News Reporters and Editors, the Measures for the Administration of Journalist Accreditation Cards, and the Measures for the Administration of News Bureaus. The Chinese government promulgated these laws to [regulate news reporters and editors](#). While the public rationale for the new rules was to curb what the state-controlled news media portrays as rampant corruption and fraud in Chinese journalism, the new rules and regulations represent [prior restraints](#) on publishing that restrict who may engage in journalism and their political orientation, and when they must submit to Party and government censorship.

The GAPP report also cited the [Provisions on the Administration of Newspapers](#) and [Provisions on the Administration of Periodicals](#). These regulations [went into effect December 1, 2005](#), and represent prior restraints on publishing. They allow the government to retain absolute control over who may publish a newspaper and who may work as a journalist or editor at a newspaper. These regulations also define government content restrictions, and implement formal procedures to allow the government to monitor the contents of newspapers and impose sanctions for violating those restrictions, including banning a publication and fining its operators.

*Number 7: Activities of the [Sweep Away Pornography and Strike Down Illegal Publication \(SAPSDIP\) Task Force](#) that "thoroughly purified the publications market."*

The GAPP report said that the SAPSDIP Task Force launched "undercover investigations" during 2005 in the publishing markets of 27 provinces and cities, and broke several major cases that led to the banning and confiscation of what it characterized as "illegal political publications," as well as the "rectification" of "illegal" newspapers.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41764>

## **Xinjiang Reports High Rate of Population Increase**

The Xinjiang Uighur Autonomous Region (XUAR) has one of the highest rates of population increase among Chinese provinces, according to information from a January 23 work meeting on the population and environment [reported](#) January 24 on Tianshan Net. While the birth rate and natural rate of increase have held steady in the past five years, the population continues to grow by about 300,000 people annually, the article reported. The article noted that the floating and migrant populations, among other groups, will maintain a relatively fast rate of increase.

The ethnic composition of the XUAR has shifted in the past half century. A 1953 government census found that Han Chinese constituted 6 percent of the XUAR's population of 4.87 million, while Uighurs made up 75 percent. The 2000 census listed the Han population at 40.57 percent and Uighurs at 45.21 percent of a total population of 18.46 million. The XUAR [Regulation on Population and Family Planning](#) allows non-Han couples to have more children than Han couples, and the



Tianshan article notes that many rural non-Han groups have relatively high birth rates. Nonetheless, Han migration has contributed most to the region's population growth. (For more information and statistics, see Stanley Toops's 2004 East-West Center Washington Working Paper [Demographics and Development in Xinjiang after 1949](#). See also the section on "In-migration and economic marginalization in East Turkistan" in the Uyghur Human Rights Project 2005 report [Uyghurs and Human Rights: The 50th Anniversary of the Xinjiang Uyghur Autonomous Region](#).)

The government [provides incentives](#) for Han Chinese residing elsewhere in China to migrate to the XUAR. The government argues that an influx of Han workers is necessary to ensure stability and to compensate for low numbers of skilled non-Han ethnic minorities, but it continues to [send skilled non-Han graduates to jobs outside the XUAR](#).

For more information see the section on [Rights Violations in Xinjiang](#) in the 2005 CECC [Annual Report](#).

## State and Party-Run Web Sites Publish Op-Ed Critical of Local Censorship

The Web sites of [Xinhua](#) and the [China Youth Daily](#) published an op-ed on January 20 criticizing Hunan provincial authorities' censorship of a politically sensitive critical news report. According to the editorial, on January 16 Xinhua filed a wire report stating that the National Development and Reform Commission had issued an emergency circular criticizing the fact that the work of closing and suspending the operation of unsafe mines was [not proceeding according to schedule](#) in 10 provinces. The commentator saw a version of the report on the Internet saying that Hunan province had been listed at the top of the "10 criticized provinces," but found: "[When] I opened the local newspapers I saw that it was not possible to find this Xinhua article in the mainstream provincial newspapers, and while the non-influential 'Contemporary Commercial Reports' had a portion of the information on page A11, the word 'Hunan' had been deleted."

The commentator cited three groups who may have exercised their influence to ensure that the local media failed to carry the Xinhua report:

- *News Media.* The commentator said that Hunan was holding its "two meetings," (meetings of the provincial level People's Congress and the Chinese People's Political Consultative Conference), and speculated that some in the media "may have believed that publishing critical reports was not suited to the time."
- *Government Agencies.* In an apparent reference to the government agencies criticized in the Xinhua report, the commentator said it could have been "relevant agencies exerting their influence." According to the commentator, the Xinhua report was visible on the Internet on the evening of January 16, and that it was "very possible that upon learning of the critical information, local relevant department personnel became afraid they would be taken to task by representatives and committee members during the two meetings, and therefore launched a secret 'public relations' action."
- *The Communist Party.* The commentator had recently participated in a meeting in another province attended by nearly 100 domestic media managers, and heard that some provincial and municipal Communist Party Propaganda Departments had openly announced that "if a sudden mass incident took place in their jurisdictions, newspapers and television and radio stations would only be allowed to use articles disseminated by the local Propaganda Department, and could not even disseminate reports by Xinhua on the same event."

The commentator was not criticizing government censorship, but rather was questioning how lower level officials could censor Xinhua, which the commentator referred to as "the mouthpiece of the Party and the nation." As the CECC noted in its [2005 Annual Report](#) -- [Freedom of Expression](#) -- [Government and Party Use of the Media to Control Public Opinion](#) section, the Party uses journalists to investigate provincial and local officials, and uses news reports to manipulate public opinion. China's state-run news media has published several articles complaining about provincial and local authorities [censoring government news reports](#) and [obstructing central government journalists](#). But these articles neither question nor criticize the prior restraint regime under which the Chinese government [allows only state-sponsored media to publish or broadcast news](#), [criminalizes unlicensed journalism](#), and [requires news editors to provide politically sensitive news stories to Party and government censors for vetting](#).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060303&show=ALL#id41788>

## UN Special Rapporteur Urges "Humane Approach" Toward North Korean Refugees

Vitit Muntarbhorn, the UN Special Rapporteur for North Korean human rights, has urged all countries, including China, to take a humane approach toward those fleeing from North Korea, according to a February 6 Yonhap [article](#) (subscription required). Muntarbhorn told the Yonhap News Agency that the international community should recognize as "refugees" both North Koreans who flee for fear of persecution and those who flee for other reasons, but possess a well-founded fear of persecution upon return. Yonhap noted, "Although [Muntarbhorn] did not single out China for failing to protect the human rights of North Korean defectors, his remarks are expected to put pressure on the country, which is known to regularly round up and repatriate North Korean defectors."

In a January 23 [advance edited version](#) of the Special Rapporteur's report to the UN Commission on Human Rights, Muntarbhorn emphasized the need to work with countries that neighbor North Korea to ensure that they abide by

international law and provide the UN High Commissioner for Refugees with access to North Koreans seeking asylum. Under Article 33 of the [1951 Convention and 1967 Protocol Relating to the Status of Refugees](#), states may not expel or force a refugee to return to a place where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion. The Special Rapporteur's report noted that throughout 2005, there were reports of "refoulement," or forced repatriation, of North Koreans who had sought asylum in neighboring countries. The report added that the refoulement took place without adequate guarantees of safety for the North Koreans.

According to Yonhap, most of the 300,000 North Koreans who have reportedly fled the country have gone to China. The State Department estimates that between 10,000 and 30,000 North Korean refugees are currently hiding in northeastern China. The Chinese government has denied the UN High Commissioner for Refugees access to North Koreans in the border regions. It classifies all North Koreans in China as illegal economic migrants and refuses to recognize them as refugees, even though the North Korean Penal Code criminalizes defection and subjects defectors who return to a minimum punishment of seven years labor reeducation. For more information on [North Korean Refugees in China](#), see Section VII of the CECC's 2005 [Annual Report](#).

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## Workplace Accident Rate Also High in Industries Other Than Coal Mining

A February 9 explosion in a perfume factory in Guangdong province that killed 5 workers and injured 12 illustrates that Chinese workers in industries outside the coal mining sector also face dangerous conditions. The perfume factory explosion was reported in a February 10 [article](#) in the Epoch Times.

In a related development, Shi Yubo, the vice chairman of the State Electricity Regulatory Commission (SERC), expressed concern about the safety of electrical industry workers as new power generation equipment is introduced that the workers have no training to operate, according to a February 13 Xinhua [report](#). Vice Chairman Shi said that the government would pay more attention in 2006 to basic safety management, as well as other work safety issues. China's power generation sector had 74 grid accidents in 2005, a decrease of 127 cases from 2004, and 427 equipment accidents, 132 cases fewer than in 2004. No equipment accidents killed more than 10 people, according to the report.

Increased industrial production has fueled an increasing accident rate for Chinese workers, according to a private sector economist quoted in a November 25, 2005, Agence France-Presse (AFP) [article](#) reproduced on the China Labor Watch Web site. According to the article, official Chinese government statistics report that 136,755 people died during 2004 in work-related accidents, but independent experts think the true figure is higher because industries do not report accidents resulting in relatively few deaths.

In a November 2005 [opinion article](#), a writer for the government-controlled China Daily criticized government officials for a preoccupation with growth in gross domestic product over work safety, pollution, and education. The writer cited several major accidents in 2005, including a chemical plant explosion, a chemical spill into a major river system in the Northeast, and a truck accident that killed 20 students and a teacher, saying such disasters could have been prevented.

The [China Labour Bulletin](#), summarizing an October 31, 2005, [article](#) in the Shanghai Daily, also cited the absence of safety measures and the lack of government regulation of industries as the cause of an increasing rate of occupational diseases among migrant workers, particularly in extractive industries outside the coal sector, such as gold mining.

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## HRIC: Activist Zhao Changqing Subject to Abuse by Prison Officials, Inmates

Prison officials subjected activist Zhao Changqing to repeated beatings and long periods of solitary confinement at Weinan Prison in Shaanxi province, according to a February 8 Human Rights in China (HRIC) [press release](#). HRIC reported that, most recently, authorities held Zhao in solitary confinement for 40 days for refusing to sing "Socialism is Good" and other songs praising the Chinese Communist Party and the socialist system during a flag-raising ceremony at the prison. HRIC said that in another incident, prison inmates reportedly beat Zhao after he conversed with another prisoner who is a Falun Gong practitioner. Zhao's sister described her brother's condition to Radio Free Asia in a [report](#) (in Chinese) published February 9:

He said that if society is like this, what good is it? He could handle solitary confinement, and even if he wants to do that they should fear for him, because he would rather be confined than sing the song. He doesn't have enough to eat shut up inside there, getting only two or three steamed buns and a bowl of gruel a day. . . . His hair has turned white and is falling out.

Authorities detained Zhao Changqing on November 28, 2002, after he co-authored an open letter to the 16th Party Congress with Ouyang Yi, requesting, among other things, an official reassessment of the 1989 pro-democracy movement. They formally arrested him on December 27, indicted him in June 2003, tried him on July 10, and sentenced him to five years imprisonment for "inciting subversion of state power," a crime under Article 105(2) of China's [Criminal Law](#), on August 4, 2003. Ouyang Yi was [released from prison](#) on December 4, 2004, following completion of the two-year sentence he received for inciting subversion of state power. Almost 200 people signed the letter, including Dai Xuezhong, Han Lifa, [He Depu](#), Sang Jiancheng, He Guanchang, and Jiang Lijun, who were also subsequently detained and, in some cases, imprisoned.

The Chinese government previously arrested Zhao in June 1989 and detained him for four months at Qincheng Prison in Beijing for organizing a Students' Autonomous Committee at Shaanxi Normal University during the Tiananmen democracy movement. According to HRIC, in 1997, Zhao ran for election as a local people's congress representative for Shaanxi's Nanzheng County, but after he accused the local government of violating election laws, he was arrested on charges of endangering state security and sentenced to three years in prison. He was released in March 2001.

## Housing Rights Activist Ye Guozhu Suffers Abuse in Prison, Eligible for Medical Parole

Housing rights activist Ye Guozhu has reportedly been abused in prison and is currently in poor health, according to a February 1 Radio Free Asia (RFA) [article](#) (in Chinese). Ye is serving a four-year prison sentence in the Tianjin Cha Dian Qing Yuan Prison, and became eligible for medical parole on December 27, 2005. RFA reports that prison officials have placed him under high security due to his failure to admit guilt for his alleged wrongdoing. During this period of lockdown, officials have regularly kept his hands and legs shackled to a bed, and his inability to move while shackled has resulted in deformities and swelling in the legs. Ye's brother has expressed concern that Ye might be at risk of death, and that prison officials have not shown due care for his physical condition. RFA notes that the Communist Party Political-Legal Committee in Beijing directly handles Ye's case, and that they have prohibited telephone contact with his family.

According to September 2004 articles by [Human Rights Watch](#) (HRW) and Agence France-Presse (AFP), Ye was detained on August 27, 2004, several days after he applied for a permit to hold a protest against forced evictions. His own family's home was allegedly demolished in May 2003 to make way for Beijing Olympics construction, prompting his brother to attempt suicide near Tiananmen Square in October 2003. Ye is a leading activist on the issue of forced evictions in Beijing and has been vocal about the government's "unchecked demolition" and the Chinese public's "lost confidence," according to a BBC [article](#) on June 23, 2004. The BBC journalist noted that officials monitored Ye's activities as early as June 2004, and that they detained her when she visited Ye for the report. Officials similarly cracked down on Shanghai lawyer Zheng Enchong when he attempted to expose conflicts over forced evictions and shared this information with Human Rights in China, a U.S.-based NGO. Zheng was detained on June 6, 2003, sentenced on October 28, and has reportedly [suffered punishment while in prison](#). Ye was charged on September 15, 2004, with "disturbing public order." According to AFP, the Dongcheng Basic People's Court sentenced him on December 18, 2004 to four years in prison. The Beijing No. 2 Intermediate People's Court rejected his appeal and affirmed the four-year sentence on February 2, 2005. Ye's son commented in a July 2005 RFA [article](#) that authorities held Ye in an unknown location for about a year. Official treatment of Zheng and Ye underscores the politically sensitive nature of property-related disputes in China and the high level of scrutiny the government places on housing rights advocates.

[HRW](#), [Amnesty International](#), and the [U.S. Department of State](#) all raised concerns about Ye's case in their 2004 reports on China. The U.S. Department of State reported that the Chinese government "severely restricted freedom of assembly and association and infringed on individuals' rights to privacy." It cited Ye's case, noting that "[t]housands of individuals protesting forced evictions and workplace and health issues were detained during the year," and that "[p]etitioner issues were increasingly considered suspect." A December 8, 2005 [report](#) by HRW reflects that this trend has not changed and that [official abuse of petitioners is rampant in China](#). In January 2006, officials placed numerous property rights activists, including [Xu Zhengqing](#) and [Feng Bingxian](#), in prison for crimes related to "disturbing public order." Activists such as Xu and Feng made numerous, unsuccessful attempts to negotiate with, or petition to, administrative agencies before officials ultimately detained them under criminal charges.

## Authorities in Jiangsu Arrest Writer Yang Tianshui on Suspicion of Subversion

Public security officials in Zhenjiang city, Jiangsu province, have arrested freelance writer Yang Tongyan (also known as Yang Tianshui) on suspicion of "subversion of state power," a crime under Article 105(1) of the [Criminal Law](#), according to a January 30 Committee to Protect Journalists (CPJ) [press release](#) citing unnamed sources. Public security officials in Nanjing city, Jiangsu province, [detained Yang](#) on December 23. On January 28 the Independent Chinese PEN Center (ICPC) [reported](#) that Yang's family received a notice of the arrest on January 27. Dated January 22, the notice disclosed that the arrest took place on January 20, and that authorities are holding Yang at the Dantu District Detention Center, according to a January 31 Radio Free Asia [report](#).

According to CPJ, authorities have held Yang without access to a lawyer or contact with his family since his detention, and have denied him access to a lawyer on the grounds that the case involves state secrets. In an [interview](#) with the Epoch Times, Li Jianqiang, a lawyer and ICPC member in Shandong who has represented other people detained for their writings, and who has been retained to represent Yang, explained:

In political cases in mainland China, it is typical to not allow the lawyer to get involved during the period of investigation; this is a tacitly understood unwritten rule. Public security typically uses [the excuse of involving state secrets]. Actually, in many cases the issue doesn't exist, but under present conditions it is not even possible to verify whether a case involves state secrets.

Once public security authorities detain someone, they have a maximum of 37 days (including a 7-day arrest authorization period) during which they must get approval from the procuratorate to make a formal arrest. After that, the case remains in a period of public security investigation, which generally lasts 45

days (but can be extended in special circumstances). After the case has been transferred to the procuratorate, the "examination before prosecution" stage begins, and at this point the lawyer may meet directly with the client, and does not need public security or procuratorate approval.

According to the ICPC, Yang (who is also an ICPC member) served a 10-year prison sentence from 1990 through 2000 after being convicted of "counterrevolution," a crime set forth under Chapter 1 of the 1979 Criminal Law, but eliminated in the 1997 Criminal Law revisions. Yang was one of at least nine prominent intellectuals and activists whom Chinese authorities either detained or imprisoned in [November and December 2004](#). Authorities [detained](#) Yang on December 24, 2004, in Hangzhou city, Zhejiang province, but [released](#) him on bail on January 24, 2005. Yang's current detention appears to be unrelated to that incident.

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## Shanghai Court Upholds Three-Year Sentence for Xu Zhengqing

The Shanghai No. 2 Intermediate People's Court conducted an appeals hearing on January 20 and upheld the original guilty verdict against petitioner Xu Zhengqing, according to a [press release](#) issued on the same day by Human Rights in China (HRIC). Xu was originally sentenced to three years imprisonment on a charge of "creating disturbances," a crime under Article 293 of China's [Criminal Law](#). HRIC noted that over 100 supporters appeared outside the courthouse for Xu's appeal hearing, and that public security officials forcibly removed the supporters and temporarily detained them in a nearby school building.

Xu is a land rights activist who has campaigned against government confiscations of land after losing his own home in Shanghai. Public security officials took Xu into custody on January 29, 2005, when he attempted to attend memorial services for Zhao Ziyang. They forced him to return to Shanghai and beat him while accompanying him in transit from Beijing. On January 31, the Shanghai Public Security Bureau detained him for "creating disturbances." On February 25, they formally arrested him for causing public disorder while in transit from Beijing. Shanghai public security officials placed Xu's father, Xu Yongdao, under [surveillance](#) in November 2005. Xu's father had sent an [open letter](#) to HRIC, requesting that U.S. President George W. Bush raise Xu's case during a November 2005 official visit to China.

For more information on Xu's case, see the CECC's analyses of his [sentencing in October 2005](#) and [detention in January 2005](#).

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242 Ford House Office Building, 441 2nd St. SW, Washington DC 20515  
 Phone: 202-226-3766 | Fax: 202-226-3804 | E-mail: [info@cecc.gov](mailto:info@cecc.gov) | Website: [www.cecc.gov](http://www.cecc.gov)